

**SUPREME COURT MINUTES  
FRIDAY, APRIL 30, 2010  
SAN FRANCISCO, CALIFORNIA**

**S048543****PEOPLE v. ROUNTREE  
(CHARLES F.)**

Extension of time granted

Good cause appearing, and based upon counsel Peter Hensley's representation that he anticipates filing the appellant's reply brief by October 20, 2010, counsel's request for an extension of time in which to file that brief is granted to June 22, 2010. After that date, only two further extensions totaling about 120 additional days are contemplated.

**S049626****PEOPLE v. HAJEK  
(STEPHEN EDWARD) & VO  
(LOI TAN)**

Extension of time granted

Good cause appearing, and based upon counsel Doron Weinberg's representation that he anticipates filing appellant Loi Tan Vo's reply brief by December 2010, counsel's request for an extension of time in which to file that brief is granted to June 25, 2010. After that date, only three further extensions totaling about 180 additional days are contemplated.

**S076337****PEOPLE v. CHARLES III  
(EDWARD)**

Extension of time granted

Good cause appearing, and based upon counsel R. Clayton Seaman, Jr.'s representation that he anticipates filing the appellant's reply brief by August 26, 2010, counsel's request for an extension of time in which to file that brief is granted to June 25, 2010. After that date, only one further extension totaling about 60 additional days is contemplated.

**S077524****PEOPLE v. SALAZAR  
(MAGDALENO)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Ellen J. Eggers's representation that she anticipates filing the appellant's opening brief by October 30, 2010, counsel's request for an extension of time in which to file that brief is granted to July 6, 2010. After that date, only two further extensions totaling about 120 additional days are contemplated.

**S087569****PEOPLE v. SANCHEZ (JUAN)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender John Fresquez's representation that he anticipates filing the appellant's opening brief by January 2012, counsel's request for an extension of time in which to file that brief is granted to July 6, 2010. After that date, only nine further extensions totaling about 540 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S097558****PEOPLE v. GARTON (TODD JESSE)**

Extension of time granted

Good cause appearing, and based upon counsel Jeffrey J. Gale's representation that he anticipates filing the appellant's opening brief by October 2010, counsel's request for an extension of time in which to file that brief is granted to June 22, 2010. After that date, only two further extensions totaling about 120 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S099274****PEOPLE v. BROOKS (DONALD LEWIS)**

Extension of time granted

Good cause appearing, and based upon counsel John L. Staley's representation that he anticipates filing the appellant's opening brief by May 24, 2010, counsel's request for an extension of time in which to file that brief is granted to May 24, 2010. After that date, no further extension is contemplated.

**S127621****PEOPLE v. ERSKINE (SCOTT THOMAS)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to June 28, 2010.

**S179115**

D053620 Fourth Appellate District, Div. 1

**HOWELL (REBECCA) v. HAMILTON MEATS & PROVISIONS, INC.**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to June 8, 2010.

**S162647** H030272 Sixth Appellate District**SAN JOSE, CITY OF v.  
OPERATING ENGINEERS  
LOCAL UNION NO. 3**

Request for judicial notice granted

Defendant Operating Engineers Local Union No. 3's request for judicial notice filed in this court on September 11, 2008, is granted as to exhibits 6, 7, and 8 and is denied in all other respects. Defendant Operating Engineers Local Union No.3's supplemental request for judicial notice filed in this court on March 11, 2010, is granted. Amicus Curiae California State Council of Service Employees' motion for judicial notice filed in this court on December 8, 2008, is granted.

**S163681** H031540 Sixth Appellate District**SANTA CLARA, COUNTY OF  
v. S.C. (ATLANTIC  
RICHFIELD COMPANY)**

Request for judicial notice granted

The Motion for Judicial Notice by Real Parties in Interest filed on May 19, 2008, is granted as to Exhibits A, and Exhibits C-F. The motion is denied as to Exhibit B.

The Joint Motion for Judicial Notice By Public Entity Plaintiffs filed on June 9, 2008, is granted.

**S171895** G039028 Fourth Appellate District, Div. 3**PEOPLE v. HERRERA  
(HONORIO MORENO)**

Request for judicial notice granted

Respondent's request for judicial notice, filed on September 18, 2009, is granted as to exhibit A and denied as to exhibit B.

**S180392****LUCKE ON DISCIPLINE**

Recommended discipline imposed

The court orders that WILLIAM PAUL LUCKE, State Bar Number 51030, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. WILLIAM PAUL LUCKE is suspended from the practice of law for the first 60 days of probation;
2. WILLIAM PAUL LUCKE must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on November 17, 2009; and
3. At the expiration of the period of probation, if WILLIAM PAUL LUCKE has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

WILLIAM PAUL LUCKE must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles. Failure to do so may result in

an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S180519****WILLIAMS, JR., ON  
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that FRANK HENRY WILLIAMS, JR., State Bar Number 193991, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. FRANK HENRY WILLIAMS, JR., must make restitution as recommended by the Hearing Department of the State Bar Court in its Decision filed on December 17, 2009. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

FRANK HENRY WILLIAMS, JR., must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S180520****FERIA ON DISCIPLINE**

Recommended discipline imposed

The court orders that KENNETH PETER FERIA, State Bar Number 221685, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. KENNETH PETER FERIA must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 7, 2010; and
2. At the expiration of the period of probation, if KENNETH PETER FERIA has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2011, 2012, and 2013. If KENNETH PETER FERIA fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**S180523****KARASIK ON DISCIPLINE**

Recommended discipline imposed

The court orders that OLGA ALEXANDRA KARASIK, State Bar Number 169636, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and she is placed on probation for three years subject to the following conditions:

1. OLGA ALEXANDRA KARASIK must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 6, 2010; and
2. At the expiration of the period of probation, if OLGA ALEXANDRA KARASIK has complied with the terms of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

OLGA ALEXANDRA KARASIK must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period.

Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with her membership fees for each of the years 2011 and 2012. If OLGA ALEXANDRA KARASIK fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**S180525****BROMUND ON DISCIPLINE**

Recommended discipline imposed

The court orders that MATTHEW ALLAN BROMUND, State Bar Number 220152, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. MATTHEW ALLAN BROMUND is suspended from the practice of law for the first 90 days of probation;
2. MATTHEW ALLAN BROMUND must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on January 6, 2010; and
3. At the expiration of the period of probation, if MATTHEW ALLAN BROMUND has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

MATTHEW ALLAN BROMUND must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

MATTHEW ALLAN BROMUND must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in

disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S180527****SIMONS ON DISCIPLINE**

Recommended discipline imposed

The court orders that THOMAS SCOTT SIMONS, State Bar Number 226484, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, subject to the following conditions:

1. THOMAS SCOTT SIMONS is suspended from the practice of law for a minimum of 90 days, and he will remain suspended until the following requirements are satisfied:
  - i. The State Bar Court grants a motion to terminate his suspension pursuant to rule 205 of the Rules of Procedure of the State Bar; and
  - ii. If THOMAS SCOTT SIMONS remains suspended for two years or more as a result of not satisfying the preceding requirement, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. THOMAS SCOTT SIMONS must comply with the conditions of probation, if any, imposed by the State Bar Court as a condition for terminating his suspension.

THOMAS SCOTT SIMONS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

THOMAS SCOTT SIMONS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S180528****BEVERLY ON DISCIPLINE**

Recommended discipline imposed

The court orders that WILLIAM JAMES BEVERLY, State Bar Number 81573, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. WILLIAM JAMES BEVERLY is suspended from the practice of law for the first 90 days of probation;

2. WILLIAM JAMES BEVERLY must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 11, 2009; and
3. At the expiration of the period of probation, if WILLIAM JAMES BEVERLY has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

WILLIAM JAMES BEVERLY must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

WILLIAM JAMES BEVERLY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2011 and 2012. If WILLIAM JAMES BEVERLY fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

### **S180531**

### **WEST ON DISCIPLINE**

Recommended discipline imposed

The court orders that CLYDE OLIVER WEST, State Bar Number 51796, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. CLYDE OLIVER WEST is suspended from the practice of law for the first one year of probation;
2. CLYDE OLIVER WEST must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on November 2, 2009; and
3. At the expiration of the period of probation, if CLYDE OLIVER WEST has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

CLYDE OLIVER WEST must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

CLYDE OLIVER WEST must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.